

RESOLUTION NO. 95-53

A RESOLUTION OF THE LODI CITY COUNCIL
RECOMMENDING CHANGES IN ENVIRONMENTAL AND HEALTH
LAWS, AND THE ADMINISTRATION THEREOF BY STATE
AND FEDERAL REGULATORY AGENCIES

WHEREAS, many state and federal laws, originally intended to provide for the cleanup and protection of the environment have been applied in an oppressive way so as to discourage development, cripple industry, bankrupt small businesses, contribute to unemployment and put local governments in danger of insolvency; and

WHEREAS, state and federal administrative agencies charged with the enforcement of such laws have in some cases entirely lost sight of the fact that businesses and local governments have finite resources and myriad other responsibilities which create demands on those resources; and

WHEREAS, some state and federal administrative agencies seem to be beyond the control of both the legislative bodies which created them and the voters whom they serve; and

WHEREAS, many local agencies have been ordered to do cleanup actions which, if done literally to the specifications of the enforcing administrative agencies, would leave the local governments without funds to provide basic municipal services such as police and fire protection, streets, water and sewer service; and

WHEREAS, the City of Lodi itself is presently involved in cleanup actions which, if done as recommended by certain administrative agencies, could foreseeably cost upwards of \$20 million, or more than \$1,100 for every household in Lodi and which would address only two specific chemicals; and

WHEREAS, the state and federal methods by which maximum allowable levels for contaminants are determined and enforced have become a self-tightening noose, with costs of cleanup in many cases far outweighing benefits returned; and

WHEREAS, it is now time for state and federal legislatures to entirely reconsider certain environmental and health policies, to reassert control over the administrative agencies they have created, and to return a measure of common sense and balance to environmental cleanup and enforcement actions;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi:

That it is necessary to restore sanity and common sense to government administration of environmental and health agencies by a number of means, including but not limited to:

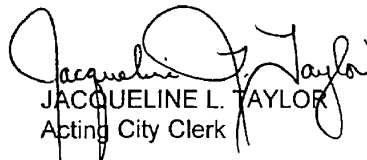
1. Return of primary control over certain environmental and health matters to local agencies which are best suited for such responsibility;
2. Require that if the methods and assumptions upon which state and federal environmental and health laws or regulations are based are not generally those universally accepted by the scientific community as a whole, then all costs directly resulting from such regulations be borne by the state or federal agency adopting such measures;
3. Eliminate from all proceedings to set, or enforce maximum contaminant levels for any and all substances the "Delaney clause", a provision which is unrealistic and no longer workable;
4. In the case of all environmental regulations resulting in unfunded mandates, provide an appeal process outside the administrative agency overseeing implementation or enforcement of the regulation;
5. Require that in every cleanup or remediation order directed to a single chemical or substance, which will foreseeably cost more than \$100 per capita for the population of the city or county receiving the order, that all costs over and above that \$100 be paid by the issuing administrative agency;
6. Place in the statutes creating all federal and state environmental administrative agencies a revolving "sunset" clause, requiring that every five years, the legislature creating such agency must affirmatively reauthorize the agency or it shall cease to exist;
7. Strengthen laws, both civil and criminal, for the willful or knowing pollution of the environment.

Dated: April 19, 1995

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I hereby certify that Resolution No. 95-53 was passed and adopted by the Lodi City Council in a regular meeting held April 19, 1995, by the following vote:

AYES:	Council Members -Davenport, Pennino, Sieglock, Warner and Mann (Mayor)
NOES:	Council Members -None
ABSENT:	Council Members -None
ABSTAIN:	Council Members - None


JACQUELINE L. TAYLOR
Acting City Clerk

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